

*Issue No. 2:—*In view of my findings on issue No. 1 this issue does not arise because it cannot be said that the services of the claimants have been terminated by the management.

No order as to costs.

Dated 31st March, 1968.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Rohtak.

No. 649, dated the 4th April, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 31st March, 1968.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Rohtak.

No. 3369-3 Lab-68/10299.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh in respect of the dispute between the workmen and management of M/s Burmah Shell Oil Storage and Distributing Company of India, Ltd., New Delhi, Ambala Branch :—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, CHANDIGARH

REFERENCE No. 68 of 1967

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S. BURMAH SHELL OIL STORAGE AND  
DISTRIBUTING COMPANY OF INDIA LTD., NEW DELHI, AMBALA BRANCH

*Present.—*

Shri S. P. Kapur and Shri K.K. Chhabra, for the management.

Shri Y.D. Sharma and Shri P. K. Banerjee, for the workmen.

#### AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Burmah Shell Oil Storage and Distributing Company of India Ltd., New Delhi, Ambala Branch, regarding the matters mentioned below, the same was referred for adjudication to this tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947,—*vide* Haryana Government notification No. 277-SF-III-Lab-67/21055, dated 20th July, 1967 :—

- (1) Whether the grades and scales of all categories of workmen should be revised ? If so, with what details and from which date ?
- (2) Whether the scheme of dearness allowance in respect of all categories of workmen including clerical staff working in Ambala Branch should be revised ? If so, with what details and from which date ?
- (3) Whether the demand for increase in wages in issue No. 1 and demand for introduction of new scheme for dearness allowance in issue No. 2, should be without prejudice and exclusive of all other allowances ? If so, in which manner and with what details ?

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement. Necessary issues were then framed and parties were given opportunity to adduce their evidence in respect of the same. It may be noted here that the reference had been made at the instance of Petroleum Workers Union but later another trade union of the workmen namely Petroleum Employees Association applied for being impleaded as a party and was so impleaded. After a part of the evidence had been led by the parties and before the same had finally concluded the parties arrived at a mutual settlement of the entire dispute between them and two separate settlement deeds were executed, one between the management and the Petroleum Workers Union which has been marked by me as EX-'A' and the other between the management and the Petroleum Employees Association which has been marked by me as EX-'B'. As desired by the parties I make my award in terms of the settlement contained in documents Exhibit A and Exhibit B both of which will form part and parcel of this award and will be published as annexures A and B to the same.

No order as to costs.

The 8th April, 1968

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Chandigarh.

No. 500, dated Chandigarh, the 9th April, 1968

The award be submitted to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Chandigarh.

### ANNEXURE 'A' FORM (H)

Memorandum of settlement signed under section 18(1) read with Section 2(P) of the Industrial Disputes Act, 1947.

Name of the parties.—

Representing Employers .. Shri S. P. Kapur, Industrial Relations Officer, Burmah Shell Oil Storage and Distributing Co., of India Ltd., New Delhi.  
Representing Workmen .. (1) Shri Y. D. Sharma, General Secretary } Petroleum Workers Union, New Delhi.  
.. (2) Shri G. N. Tandon, Provincial Secretary—

### SHORT RECITAL OF THE CASE

Whereas the Governor of Haryana,—vide his Order No. 277-SF-III-Lab-67/21005, dated 20th July, 1967 referred an Industrial Dispute between the Management of M/s. Burmah Shell Oil Storage and Distributing Co. of India, Ltd., New Delhi, and its workmen for adjudication by the Industrial Tribunal Haryana, Chandigarh. This dispute has been numbered as Industrial Dispute No. 68 of 1967 on the files of the Hon'ble Industrial Tribunal, Haryana.

And Whereas there has been an adjudication in respect of the aforesaid matters of dispute between M/s Burmah Shell Oil Storage and Distributing Co., of India Ltd and its workmen by the Learned Additional Industrial Tribunal, Delhi.

And Whereas as a special case and without creating any precedent and in order to avoid multiplicity of proceedings, the parties agree that the benefit allowed as a result of the Award of the Additional Industrial Tribunal, Delhi, in Industrial Dispute No. 156 of 1966, shall form the basis of a Settlement as agreed and specified below :—

### TERMS OF SETTLEMENT

This settlement dated this 5th day of April, 1968 between M/s Burmah Shell Oil Storage and Distributing Co. of India, Ltd., New Delhi, being the party of the first part (hereinafter called the "Company") and the workmen consisting of Clerical and Labour (which latter term includes service, watch and ward and transport) employees employed in the Company's establishments in the State of Haryana represented by The Petroleum Workers Union, New Delhi being the party of the second part (hereinafter called the "Workmen") witnesseth and it is hereby agreed between the parties hereto as follows :—

1. *Revision in Pay Scales/D.A. etc.*—(i) Pay scales for clerical employees will be revised with effect from 1st January, 1966 as per Annexure 'A'.

(ii) Scales of wages for Labour employees will be revised with effect from 1st January, 1966 as per Annexure 'B'.

(iii) One increment in the revised Pay/wage scales as shown in Annexure 'A and B' will be given to all permanent labour and clerical employees of the Company with effect from 1st January, 1966.

The Company hereby agrees to modify the scales of Pay and Dearness Allowance in accordance with the decision of the Hon'ble Supreme Court in the event of the Award of the Additional Industrial Tribunal, Delhi in Industrial Dispute No. 156 of 1966 being modified.

2. The parties hereto agree that a joint petition shall be filed by them before the Hon'ble Industrial Tribunal, Haryana, in I. D. No. 68 of 1967 praying for an Award being passed in accordance with this settlement.

3. This Settlement shall be binding till 27th January, 1969 and shall be binding thereafter until the expiry of two months notice of termination in writing given by either party.

In witnesseth whereof the parties hereto have hereunto set their hands the day, month and year first above written.

Signatures of Parties—

Signed on behalf of Workmen by

(Sd.) Y. D. SHARMA.

(Sd.) G. N. TANDON.

5-4-1968

Witness :—

(1) (Sd.) WAZIR CHAND.

Signed on behalf of Burmah Shell Oil Storage and Distributing Co. of India Ltd., New Delhi,  
S. P. KAPUR.

Witness :—

(1) (Sd.) K. K. CHHABRA.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Chandigarh.

## ANNEXURE 'A'

'B' Grade Clerks	.. (Including Film Projector Operator, Typist and Telephone Operator)
	Rs 145 10--195 15 270--FB 15--360
	Typist The management may promote Typists of merit to 'A' Grade
Tracer	.. Rs 145 10 205 15 280 FB 15 400
'A' Grade Clerks	.. (Including Head Typist, Fueller Operator, Draftsman 'B', Stenographer, Comptist, and Accounting Machine Operator)
	Rs 180 15 330 FB 20 490
S.G. I	(Including Head Stenographer, Confidential Stenographer, Head Comptist and Head Accounting Machine Operator)
	No starting salary R 20 350 25 550
S.G. II	.. (Including Draftsman 'A')
	No starting salary Rs 20 350 25 625
S.G. III	.. No starting salary P 20 350 25 700

## ANNEXURE 'B'

Revised Job Titles	Grade	Wage Scales
		Rs
General Workman	.. 1	85 2 103--EB--2½ 123
General Workman (T)		
Fuelling Crewman II		
Mali		
Sweeper		
Watchman		
Peon		
Bearer		
Laboratory Attendant	.. 2	86½--2--108½--EB--2½--128½
Head Peon		
Daftly	.. 3	92--2 110 EB 2½ 135
Fuelling Crewman I		
Solderman		
Print Maker		
Filler, Gauger		
Head General Workman	.. 4	100--2 --116--EB--2½ 146
Mess Cook		
Rota Print Operator		
Tallyman		
Painter II		
Carpenter II		
Fitter III	.. 5	111--3--138 EB 4 174
Painter I		
Service Station Demonstrator		
Light Vehicle Driver	.. 6	125 --3 128 4 148 FB 5 208
Carpenter I		
Electrician		
Fitter II		
Head Crewman II		
Welder	.. 7	133 --4 --145 5 190 EB --5 --250
Heavy Vehicle Driver		
Motor Fitter		
Fitter I (only such fitters as will be required to attend to the A.C. Plant, Generator and electrical work in addition to their normal duties)		
M.H.E. Operator (Forklift)		
Head Crewman (only those head crewmen who possess a driving licence of heavy vehicle driving and have passed the tests for driving and maintenance prescribed by the Company)		

## ANNEXURE 'B'

## FORM (H) !

Memorandum of settlement signed under Section 18(1) read with Section 2(P) of the Industrial Disputes Act, 1947

Name of the Parties :

Representing Employers

.. Shri S.P. Kapur,  
Industrial Relations Officer,  
Burmah Shell Oil Storage &  
Distributing Co. of India Ltd.,  
New Delhi.

Representing Workmen

.. 1. Shri P.K. Banerjee,  
General Secretary,  
Petroleum Employees' Association,  
New Delhi.  
  
2. Shri D.K. Paul  
(Treasurer),  
Petroleum Employees' Association,  
New Delhi.

## SHORT RECITAL OF THE CASE

Whereas the Governor of Haryana,—vide his Order No. 277-SF-III-Lab-67/21005, dated 20th July, 1967, referred an Industrial Dispute between the Management of M/s Burmah Shell Oil Storage & Distributing Co. of India Ltd., New Delhi, and its workmen for adjudication by the Industrial Tribunal, Haryana, Chandigarh. This dispute has been numbered as I.D. No. 68 of 1967 on the files of the Hon'ble Industrial Tribunal, Haryana.

And whereas there has been an adjudication in respect of the aforesaid matters of Dispute between M/s Burmah Shell Oil Storage & Distributing Co. of India Ltd., and its workmen by the Learned Additional Industrial Tribunal, Delhi.

And whereas as a special case and without creating any precedent and in order to avoid multiplicity of proceedings, the parties agree that the benefit allowed as a result of the Award of the Additional Industrial Tribunal, Delhi, in I.D. No. 156 of 1966, shall form the basis of a Settlement as agreed and specified below :

## TERMS OF SETTLEMENT

This Settlement dated this 5th day of April, 1968, between M/s Burmah Shell Oil Storage & Distributing Co. of India Ltd., New Delhi, being the party of the first part (hereinafter called the "Company") and the workmen consisting of Clerical and Labour (which latter term includes service, watch and ward and transport) employees employed in the Company's establishments in the State of Haryana represented by Petroleum Employees Association being the party of the second part (hereinafter called the "workmen") witnesseth and it is hereby agreed between the parties hereto as follows :—

## 1. Revision in Pay Scales/D.A. etc.

- (i) Pay scales for clerical employees will be revised with effect from 1st January, 1966, as per Annexure 'A'.
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- (iii) One increment in the revised pay/wage scales as shown in Annexure 'A & B' will be given to all permanent labour and clerical employees of the Company with effect from 1st January, 1966.

The Company hereby agrees to modify the scales of Pay and D.A. in accordance with the decision of the Hon'ble Supreme Court in the event of the Award of the Additional Industrial Tribunal, Delhi, in I.D. No. 156 of 1966 being modified.

2. The parties hereto agree that joint petition shall be filed by them before the Hon'ble Industrial Tribunal, Haryana, in I.D. No. 68 of 1967 praying for an Award being passed in accordance with this settlement.

3. This settlement shall be binding till 27th January, 1969, and shall be binding thereafter until the expiry of two months notice of termination in writing given by either party.

In witnesseth whereof the parties hereto have hereunto set their hands the day, month and year first above written.

Signature of parties :

Signed on behalf of Workmen by :—

(Sd.) P. K. BANERJEE.  
(Sd.) DILIP KUMAR PAUL.

Witness :

(Sd.) PREM NATH SHARMA.

Signed on behalf of Burmah Shell Oil Storage & Distributing Co. of India Ltd., New Delhi.

(Sd.) S. P. KAPUR.

Witness :

(Sd.) K. K. CHHABRA.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Chandigarh.